

**Certain activities** are considered exempt if conducted within the Riverfront Area or within the Buffer Zone to Bank and wetlands. These exempt activities are:

*Unpaved pedestrian walkways* less than 30 inches wide for private use and less than three feet wide for public access on conservation property;

*Fencing*, provided it will not constitute a barrier to wildlife movement; stonewalls; stacks of cordwood;

*Vista pruning*, provided the activity is located more than 50 feet from the mean annual high water line within a riverfront area or from bordering vegetated wetland, whichever is farther;

*Plantings* of native species of trees, shrubs, or groundcover, but excluding turf lawns;

The *conversion of lawn* to uses accessory to residential structures such as decks, sheds, patios, and pools, provided the activity is located more than 50 feet from the river's edge within the riverfront area or from bordering vegetated wetland, whichever is farther, and erosion and sedimentation controls are implemented during construction;

The *conversion of impervious surfaces* to vegetated surfaces, provided erosion and sedimentation controls are implemented during construction and;

*Activities that are temporary in nature*, have negligible impacts, and are necessary for planning and design purposes.

*Other activities not regulated:*

- Mowing of existing lawns; and
- Pruning of existing landscaped areas.

If you are not sure whether or not the work you are doing is an exempt activity, you should contact your local Conservation Commission. The Lanesborough Conservation Commission meets the first Monday of every month at the Lanesborough Town Hall.

For more information please contact the Lanesborough Conservation Commission at (413) 442-1167 x20, send an email to [lanesboroughconservation@gmail.com](mailto:lanesboroughconservation@gmail.com), or visit the Town of Lanesborough website.



## Lanesborough Conservation Commission

### *Homeowner Activities and the Massachusetts Wetlands Protection Act*



*August 2020*

## The Wetlands Protect Act

The Wetlands Protection Act [Massachusetts General Laws (MGL) Chapter 131, Section 40] protects wetlands (“resource areas”) and the public interests they serve, including:

- protection of public and private water supply
- protection of ground water supply
- flood control
- storm damage prevention
- prevention of pollution
- protection of land containing shellfish
- protection of fisheries
- protection of wildlife habitat

These public interests are protected by regulating activities that may alter wetlands. Municipal conservation commissions administer the Wetlands Protection Act. The Lanesborough Conservation Commission is a volunteer board of five members appointed to three year terms by the Board of Selectmen

The Department of Environmental Protection (MassDEP) oversees administration of the Wetlands Protection Act, develops regulations and policies, and provides technical training to commissions. MassDEP also hears appeals of decisions made by Commissions.

## What Are Protected Resource Areas?

**Bordering Vegetated Wetlands** – wet meadows, marshes, swamps and/or bogs that border rivers and streams, ponds and lakes.

**Land Under Water Bodies and Waterways** – land under any Creek, River, Stream, Pond or Lake.

**Land Subject to Flooding** – floodplains such as those mapped by FEMA

**Bank** – of any Creek, River, Stream, Pond and/or Lake.

**Riverfront Area** – all the land between a river's mean annual high water line (top of bank) and measured 200 feet out.

**100 Foot Buffer Zone** - both Bank and Bordering Vegetated Wetlands have a 100-foot area known as the buffer zone.

The Conservation Commission ensures that proposed activities will not alter resource areas and the public interests they provide by reviewing projects on a case-by-case basis according to regulations [310 Code of Massachusetts Regulations (CMR) 10.00]. The regulations describe how each type of resource area provides one or more of the public interests. The regulations also spell out the type and extent of work allowed in resource areas. Proposed work must meet these

This information is intended to help landowners and developers plan their work and helps the commissions apply the law to specific projects.

The Wetlands Protection Act regulates many types of work in resource areas including vegetation removal, regrading, construction of houses, additions, decks, driveways, and commercial or industrial projects. Contact the Conservation Commission if you would like to do work in a resource area, within the 100 foot Buffer Zone, or 200 foot Riverfront Area.

If you are unsure whether your proposed work site is in a resource area or whether the work will alter a resource area, you can submit a Request for Determination of Applicability. If the Conservation Commission determines that the work will alter a resource area, you must file an application, called a Notice of Intent (NOI). Work that occurs without first obtaining a permit through the Conservation Commission may result in Enforcement Action to bring the area into compliance.

Please contact the Lanesborough Conservation Commission regarding local and state permit filing fees. Forms and other information are also available through MassDEP at [www.mass.gov/dep](http://www.mass.gov/dep) and on the Town of Lanesborough website.